

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, for     )  
the use of POONG LIM/PERT JOINT     )  
VENTURE,     )  
  )  
  Plaintiff,     )  
  )  
  vs.     )  
  )  
DICK PACIFIC/GHEMM JOINT VENTURE;     )  
CONTINENTAL CASUALTY CO.; NATIONAL     )  
FIRE INSURANCE CO. OF HARTFORD;     )  
SEABOARD SURETY CO.; and ST. PAUL     )  
FIRE AND MARINE INSURANCE CO.,     )  
  )  
  Defendants.     )  
\_\_\_\_\_  
  )

No. 3:03cv0290-JWS

O R D E R

Settlement Conference Cancelled

A preliminary review of the confidential settlement memoranda submitted by the parties to this litigation has been accomplished. It is at this time abundantly clear to the court that it has both insufficient information and insufficient time to undertake a settlement conference in this case during the week of July 31, 2006.

What is most apparent to the court is that the parties once had this case settled on what was superficially a reasonable basis; and, that settlement having failed, the parties embarked upon what was no doubt an extremely expensive mediation process

conducted by a mediator possessed of far more experience in mediating matters such as this than the court. Plaintiff rejected the final recommendation of the mediator. Seemingly plaintiff would now reconsider, perhaps in the light of court rulings and developments in other, related litigation. Frankly, it is the court's view that the parties must surely have sufficient information to settle this case for themselves. And if they cannot, they should return to the mediator previously employed by them, who must surely have far greater insights into this case than the court could possibly have starting with no more than the parties' settlement memoranda.

If the parties have reached a settlement on their own, the court would be pleased to oversee the placement of that settlement on the court record at 4:00 p.m., Monday, July 31, 2006; but the order scheduling a settlement conference for the latter date is vacated.

DATED at Anchorage, Alaska, this 25th day of July, 2006.

/s/ H. Russel Holland  
United States District Judge